

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LISA MARTINEZ LEWIS,

Plaintiff,

v.

AVA MORALES, et al.,

Defendants.

No. 1:22-cv-00556-ADA-EPG

ORDER DISMISSING ACTION FOR
FAILURE TO PROSECUTE AND COMPLY
WITH THE COURT'S ORDER

(ECF. No. 6)

Plaintiff Lisa Martinez Lewis is proceeding *pro se* and *in forma pauperis* in this civil action. (ECF No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 26, 2022, the assigned Magistrate Judge issued an order requiring Plaintiff to either file a first amended complaint or notify the Court in writing that she wishes to stand on her complaint. (ECF. No. 4.) Plaintiff was advised that “[f]ailure to comply with this order may result in the dismissal of this action”. (*Id.* at 7.) To date, Plaintiff has not filed an amended complaint or otherwise responded to the Court’s order, and the time to do so has expired.

On October 27, 2022, the assigned Magistrate Judge issued findings and recommendations recommending that this action be dismissed, without prejudice, for failure to prosecute and

1 comply with the Court's order. (ECF. No. 6.) The findings and recommendations were served on
2 the parties and contained notice that any objections thereto were to be filed within twenty-one
3 (21) days of service. (*Id.*) No objections have been filed and the time to do so has expired.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this
5 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
6 Court concludes that the Magistrate Judge's findings and recommendations are supported by the
7 record and proper analysis.

8 Accordingly,

- 9 1. The findings and recommendations issued by the assigned Magistrate Judge on
10 October 27, 2022, (ECF. No. 6), are ADOPTED in full;
- 11 2. This action is DISMISSED, without prejudice, based on Plaintiff's failure to
12 prosecute and failure to comply with a court order; and
- 13 3. The Clerk of Court is directed to CLOSE this case.

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16 IT IS SO ORDERED.

17 Dated: December 15, 2022

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UNITED STATES DISTRICT JUDGE